

REMARKS

Applicant's counsel greatly appreciates the courtesy extended by Examiners Williams and Lorence during the course of an interview conducted on June 4, 2003.

In response to the Office Actions dated March 13, and May 19, 2003, Applicant amends the application and requests reconsideration. In the Amendment, claim 7 has been amended, and claims 8-12 have been added. No new matter has been added. Claims 3-12 are now pending and under examination.

The amendment of claim 7 and the newly added claims are supported by the application as originally filed (see, for example, the definition of the word "separately" on page 6, and the second paragraph of page 7).

Claims 3 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Bauer (U.S. Patent 5,934,435). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Applicant respectfully submits that claim 7 is not anticipated by Bauer, because claim 7 recites features not taught or suggested by Bauer. For example, claim 7 recites a wet multiplate clutch that includes at least two separator plates which are free to move independently of each other. Bauer does not teach or suggest this feature. In Bauer, the two separator plates (84, 85) are attached to each other (see Fig. 9). Accordingly, claim 7 is not anticipated by Bauer. Further, because claim 3 depends from claim 7, claim 3 is also not anticipated by Bauer.

Claims 4 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bauer in view of Avers (U.S. Patent 5,788,035). Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bauer in view of JP40-5231443A. The propriety of these rejections depends on the propriety of the rejection under 35 U.S.C. §102(b). Because the rejection under 35 U.S.C.

§102(b) is improper, these two rejections are also improper. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections.

The new claims are also patentable over the cited references. For example, independent claim 8 recites a wet multiplate clutch that includes at least two separator plates which are connected with each other with a thin member disposed therebetween, wherein the thin member is sufficiently resilient to allow for vibration damping and impact absorption. None of the cited references teach or suggest this feature.

Bauer discloses a circular layer (86) disposed between two separator plates (84 and 85). However, there is no disclosure as to what material the circular layer (86) is made from. Therefore, there is no disclosure that the circular layer (86) is resilient, let alone “sufficiently resilient to allow for vibration damping and impact absorption.”

It is true that all materials are resilient to some extent. However, not all materials are sufficiently resilient to allow for vibration damping and impact absorption. The argument that the thin member of claim 8 is anticipated by the circular layer (86) of Bauer because all materials are resilient to some extent is tantamount to arguing that all materials in the world are resilient to some extent and therefore are sufficiently resilient to allow for vibration damping and impact absorption. For example, a steel layer is also resilient to some extent; but a person with ordinary skill in the art would not consider a steel layer to be sufficiently resilient to allow for vibration damping and impact absorption. Such an argument would render the limitation of “sufficiently resilient to allow for vibration damping and impact absorption” meaningless. It would also render all recitations of “resilient,” “elastic,” “flexible,” “rigid” and “stiff” meaningless because all materials have these properties to some extent. This clearly is an untenable position.

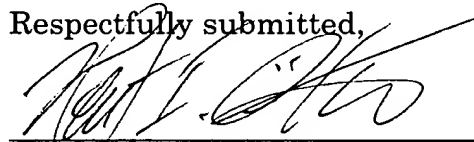
In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the

application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #280/50357).

June 12, 2003

Respectfully submitted,



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